



STATE REPRESENTATIVE  
**Garey Bies**  
1<sup>ST</sup> ASSEMBLY DISTRICT  
COMMITTEE ON CORRECTIONS AND THE COURTS

**Written Testimony of Representative Garey Bies  
Assembly Committee on Criminal Justice  
Assembly Bill 251 – Discharging Firearms near Parks**

Good morning committee members, I appreciate the opportunity to submit my testimony in support of Assembly Bill 251, relating to the discharge of firearm near Municipal Park.

This legislation comes to me at the request of a DNR warden up in my district. This bill increases the penalties for a statute already on the books. The concern of the warden is that the current penalty of \$25 associated with this statute provides no dissuasion to offenders. This legislation increases the penalties so that a judgment of up to \$1,000 could be applied.

I understand that there are some concerns with this legislation. One being that the increase to the penalty is excessive. In this regard, I would be willing to discuss a different penalty if it is appropriate. Second, I know there are some concerns with this statute altogether, and I understand this concern. However, this legislation is not about repealing the statute; it is about increasing the penalty of the statute. Assembly Bill 251 is not the vehicle for eliminating the statute.

To conclude, I respectfully request your support of AB 251. Going forward I would be happy to work with the Committee on possible modifications to the bill. Thank you and I would be happy to answer any questions that you may have.

*First for Wisconsin!*

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## NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030-7400

December 5, 2007

Chairman Joel Kleefisch  
Committee on Criminal Justice  
225 Northwest  
Wisconsin State Capitol  
Madison, WI 53708

Dear Chairman Kleefisch,

My name is Jordan Austin and I am a registered lobbyist speaking on behalf of the National Rifle Association. I am here today to voice my opposition to AB 251. Our concerns consist of not only with the language of the bill, but the statute that this bill is attempting to correct.

I can understand the need to update current units of measurement in Wisconsin statute and do not have a direct problem with changing rods to yards. However, the fact that there is a discharge ban at all on land adjacent to a park or even in the park itself is unacceptable. What this section of statute is doing is making it lawful for the park to create a 220 yard buffer around the perimeter of their park, thusly allowing for an illegal "Taking" of land. So now under current Wisconsin statute a person who lives next to one of these municipal parks will not only be unable to use a firearm in self-defense, but would not be able to hunt with a firearm or a bow and arrow. Upon more careful reading it is also apparent that one would not even be able to practice archery on their own land.

This bill and this section of code are a complete attack on personal protection rights and personal property rights. This legislative body should not be restricting a person's right to self-defense in any form while not currently having concealed carry legislation in place. How would someone be able to protect themselves against intruders or natural predators? With the growing bear and wolf populations in this state it would seem unfair to not allow someone the right to protect themselves from an animal attack.

The penalty change in AB 251 seems excessive and unreasonable. A \$1,000 fine and 90 days in jail for shooting an arrow at a target in your backyard is not only unusually extreme, but it is outright shocking that this type of legislation is even being considered. I also cannot understand why one would want to charge someone such an excessive fine and the possibility of 3 months in jail for defending their family against an intruder.

It is also a concern of my organization as to why there is a discharge ban at all in these municipal parks. The state of Wisconsin has a rich hunting tradition and I cannot

imagine why there would be restrictions on access to park land such as this. Currently Wisconsin statute not only restricts hunting access to these parks, but bans hunting on private land surrounding these parks. This restriction on hunting and the restricting on one's right to self-defense are two of the major concerns of my organization and our members.

It is my recommendation that this committee amend this bill to strike out all current language and then insert language to remove the discharge ban not only on the 40 rods of land surrounding the park, but the discharge ban within the park itself.

Thank you for the opportunity to speak today and I would be happy to answer any questions that the committee might have.

Sincerely,

Jordan Austin



# Wisconsin Hunters Rights Coalition

Wisconsin Chapters of Safari Club International  
Wisconsin Bear Hunters' Association  
US Sportsmen's Alliance  
Wisconsin Chapters of National Wild Turkey Federation  
National Rifle Association

December 4, 2007

## Opposition to AB 251

The Wisconsin Hunters Rights Coalition would like to go on record in opposition to AB 251. Our real opposition is to the underlying statute. Section 167.30 of Wisconsin Statutes appears to be narrowly drafted to apply a ban on weapon discharge in circumstances that are at times incomprehensible.

Of course this bill does not propose to change this statute's effects, but by increasing the fine from \$25 to \$1000 it makes a statute that has perhaps been "under enforced" into a cause for concern for all of us.

It is not illegal by state statute to hunt in a municipal park. So under this statute it may be legal to hunt in the park, but *illegal* to hunt on the private lands immediately around the park.

Local ordinance in the township where the city park is located may allow hunting, but the municipality, by buying parkland, could in effect *override* the local town ordinance.

Public parks, with the stewardship dollars now available, are not always small parcels with playgrounds, but can be many hundreds of acres of otherwise wild lands. Under the new stewardship reauthorization, lands purchased with stewardship dollars are to be *open for hunting*, unless there is an issue of public safety. This statute could undo what many of us spent a lot of time and effort to accomplish.

The statute applies to an area "within 220 yards" of the park – this is 20 acres away. Other than for high powered rifles (gun deer season) there is no safety concern for hunting that needs to encompass even 100 yards. Turkey hunting, pheasant hunting, rabbit and other small game hunting can all be done safely in much closer proximity.

The statute also applies to sling shots and bows – that's right: a boy shooting at a tin can with his sling shot, 20 acres away, through thick woods, from a 500 acre city "park" located in a very rural area, could now be subject to a \$1000 fine and 90 days in jail.

This makes no sense!

Please do not vote to forward AB 251 as it is currently drafted. In fact, we would ask the author and the committee to look at seriously revising Sec. 167.30, as it is clearly out of sync with other hunting and public safety statutes.

For more information please contact our representative: Bob Welch at 608-819-0150